REMARKS

Election/Restrictions

The provisional election without traverse made by Mr. Eric Lerner on September 8, 2006 to prosecute the invention of group I (claims 1-4, 13-15, 20, and 22-30) is affirmed. Thus, claims 5-12, 16-19 and 21 are withdrawn from further consideration.

Rejections

In the Office action dated September 14, 2006, the Examiner rejected claims 1-4, 13-15, 20 and 22-27 under 35 U.S.C. 102(e) as being anticipated by Ohki et al. (6,529,206, "Ohki") and rejected claims 28-30 under 35 U.S.C. 103(a) as being unpatentable over Ohki and Miller (6,229,542, "Miller.")

Applicants respectfully submit that the Examiner's rejections are moot in light of the amended claims submitted herewith and the remarks that follow. Applicants respectfully submit that the pending claims have been amended in the manner suggested by the Examiner during a telephone communication with Joseph Levi (the Applicants' representative at the time) in August of 2003, which took place in regards to the parent application of the present application, US Serial No. 09/329,730, now US Patent 6,762,778.

Claims 1-4, 13-15, 20 and 24-25 have been canceled without prejudice. Claims 22, 26-28 and 30 have been amended. Claims 42-44 have been added. Claims 22-23, 26-30 and 42-44 are now pending in the application and believed to be in condition for allowance.

Applicants respectfully submit that neither Ohki nor Miller, alone or in combination anticipate or render obvious pending claims 22-23, 26-30 and 42-44.

Ohki

Applicants respectfully submit that Ohki discloses an image processing technique that allows three-dimensional editorial work to be effected on a two-dimensional moving picture, wherein "a

projected image of a three-dimensional object is displayed in a frame which is a constituent of a moving picture" and it is "transformed into a corresponding two-dimensionally developed expanded image" (Ohki, Abstract, emphasis added.) Ohki's technique allows for editorial changes in a projected image that are consistent with the three-dimensional representation of the projected image. In Ohki's system, an external interface receives externally supplied data such as two-dimensional images captured by a camera.

Okhi does not teach converting a three-dimensional model of an object to a two-dimensional visualization of the object, as claimed by Applicants in independent claims 22, 30 and 42. Ohki's image processing starting point are projected images (two-dimensional) of three-dimensional objects (Ohki, Fig. 41-45). Ohki defines a projected image in the following manner:

> *For example, when the camera 9 (FIG. 3) captures the image of a three-dimensional object in three-dimensional space shown in FIG. 18A, a two-dimensional image outputted by the camera 9 displays a projected image (projected picture), as shown in FIG. 18B, which is the three-dimensional object being projected onto a screen. Therefore, a two-dimensional image on which such a projected image is displayed is stored in an image buffer (except for a paste buffer).*

Ohki, col. 22, lines 36-44.

Thus, Ohki does not convert a three-dimensional model of an object to a two-dimensional visualization of the object, but captures an image of a three-dimensional object, which results in a two-dimensional projected image of the object.

Miller

Miller does not cure the defects of Ohki. Miller teaches a method and system to manage windows in three dimensions in a two dimensional windowing system. Miller's method improves windowing systems by extending the representation of a window to include depth. This addresses the two-dimensional window overcrowding problem by allowing windows to be positioned and arranged within a three dimensional space.

Miller does not teach at least converting a three-dimensional model of an object to a two-dimensional visualization of the object, as claimed by Applicants in independent claims 22, 30 and 42.

Even if Ohki included a description of each of the claimed limitations as stated by the Examiner, which it does not, Applicants respectfully submit that there is no motivation for one of ordinary skill in the art to modify the Ohki in view Miller. Furthermore, the Examiner has not demonstrated in the Office Action a source for a motivation to modify Ohki.

There are three possible sources for a motivation to modify a reference: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the arts. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998). None of these three possible sources have been demonstrated in the Office Action.

One ground offered by the Examiner for modifying the cited reference was "it would have been obvious to a person with ordinary skill in the ... because it would allow efficient manipulation of projection planes in a three dimensional user interface." (Office Action, p. 8). Conclusory statements by the Examiner do not constitute the requisite evidence upon which a Section 103 rejection may rest. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). Thus, a highly subjective and unsubstantiated blanket statement concerning "one having ordinary skill in the art" cannot support an obviousness rejection without evidentiary support.

Applicants respectfully submit that it would not have been obvious to modify Ohki in view of Miller, as Ohki is concerned with effecting three-dimensional editorial work on a two-dimensional moving picture, and Miller is concerned with managing windows in three dimensions in a two dimensional windowing system.

For at least the foregoing reasons, Applicants respectfully submit that pending claims 22, 30 and 42 are distinguishable over Ohki and Miller alone or in combination, and notice to the effect that these claims are in condition for immediate allowance is respectfully requested.

Claims 23 and 26-29 depend from independent claim 22, and define further steps of the method. Claims 43-44 depend from independent claim 30, and define further steps of the method. Accordingly, these claims are patentable for the reasons noted above with respect to claims 22 and 30 as well for the additional steps recited therein. Accordingly, notice to the effect that dependent claims 23, 26-29 and 43-44 are in condition for immediate allowance is respectfully requested.

Text cited by the Examiner in Ohki and Miller

The Examiner has cited Ohki and Miller using a paragraph numbering system that does not appear in the published patents. Applicants respectfully request that the Examiner cite Ohki and Miller referring to the pertinent column and lines to avoid confusion regarding the cited text. While Applicants have manually numbered the paragraphs, there does not seem to be a correspondence with the paragraphs cited by the Examiner.

CONCLUSION

For the foregoing reasons, allowance of this application is courteously urged.

Claims 5-12, 16-19 and 21 have been withdrawn from consideration. Claims 1-4, 13-15, 20 and 24-25 have been canceled. Claims 42-44 have been added. Claims 22, 26-28 and 30 have been amended. Claims 22-23, 26-30 and 42-44 are now pending and believed to be in condition for allowance. Applicant respectfully requests that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

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